

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

JAMES L. ROBINSON, #121865,)	
)	
Petitioner,)	
)	
v.)	CASE NO. 1:06-CV-1061-MHT
)	
JAMES DELOACH, et al.,)	
)	
Respondents.)	

ORDER ON MOTION

Upon consideration of the motion to amend filed by the petitioner on December 20, 2006 (Court Doc. No. 6), in which the petitioner asserts an additional claim for relief with respect to denial of Correctional Incentive Time and expounds on his equal protection arguments challenging the denial of resentencing under Alabama Code § 13A-5-9.1, and for good cause, it is

ORDERED that:

1. The motion for leave to amend be and is hereby GRANTED.
2. On or before January 19, 2007, the respondents shall file an answer properly addressing the claims presented by the petitioner in his petition, as amended.¹ The respondents are advised that in his petition Robinson does not challenge the constitutionality of any conviction or sentence imposed upon him; rather, as clearly noted in the order of procedure, he "challenges the denial of his application for resentencing by the Circuit Court of Houston County, Alabama. Specifically, Robinson asserts that as a non-violent offender and in accordance with the edicts of equal protection

¹The answer filed by the respondents on December 20, 2006 addresses issues not before this court and contains only a cursory argument with respect to petitioner's resentencing issue. The respondents are advised that in filing an answer in response to this order they should fully and completely address the claims referenced in this order in accordance with the directives of the order entered on December 1, 2006 and limit their response to such claims.

he is entitled to resentencing under § 13A-5-9.1, *Ala. Code*.2006." *Order of December 1, 2006* (*Court Doc. No. 4* at 1) (footnote omitted). Additionally, in his amendment to the petition, Robinson expands his equal protection argument with respect to the denial of resentencing and also raises a claim challenging the denial of Correctional Incentive Time as a violation of his constitutional rights

Done this 21st day of December, 2006.

/s/ Wallace Capel, Jr.
WALLACE CAPEL
UNITED STATES MAGISTRATE JUDGE